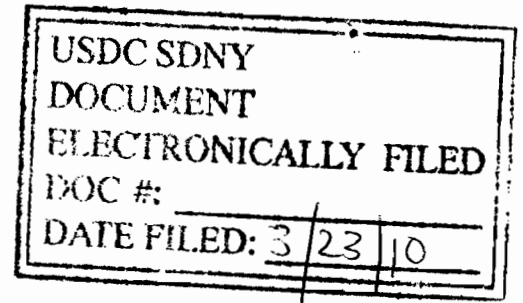


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- X  
**IN RE AMARANTH NATURAL GAS  
COMMODITIES LITIGATION**  
----- X



**ORDER**

**07 Civ. 6377 (SAS)**

**SHIRA A. SCHEINDLIN, U.S.D.J.:**

On October 15, 2010, plaintiffs moved for class certification. Having reviewed the submissions by the parties and considered the points made by counsel at the February 23, 2010 oral argument and in their subsequent letters to the Court,<sup>1</sup> I conclude that the record regarding class certification is insufficient. Therefore, plaintiffs' motion for class certification is denied without prejudice. In so holding, I do not reach the merits of plaintiffs' motion.

As discussed at the February 23, 2010 oral argument, plaintiffs may re-file their motion after the conclusion of additional discovery. The additional discovery shall be limited to those areas plaintiffs' expert, Christopher Gilbert, indicated remain outstanding,<sup>2</sup> which were discussed during the March 19, 2010

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<sup>1</sup> See 2/19/10 Letter from Christopher Lovell, plaintiffs' counsel ("2/19/10 Pl. Ltr."); 3/3/10 Letter from Stephen J. Senderowitz, defendants' counsel.

<sup>2</sup> See Affirmation of Professor Christopher L. Gilbert ¶¶ 9, 15, 16, 19, 21, 26, 27; Reply Affirmation of Christopher Gilbert in Support of Plaintiffs'

conference.<sup>3</sup> The May 22, 2009 scheduling order in this action otherwise remains in effect.

The parties' re-submissions are limited as follows:

On or before June 18, 2010, plaintiffs and defendants shall re-file their moving, opposition, and reply papers bearing on plaintiffs' motion for class certification. These papers shall be submitted as filed on October 15, 2009, November 13, 2009, and January 5, 2010, respectively.

The parties may also submit additional materials pursuant to the following schedule:

June 18, 2010	Plaintiffs may submit a supplemental affirmation of Christopher L. Gilbert. As I noted during the February 23, 2010 oral argument and the March 19, 2010 conference, this affirmation need not include the final model to be used at trial. <sup>4</sup> Plaintiffs may also submit a brief totaling no more than fifteen (15) pages.
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August 2, 2010	Defendants may submit a supplemental affidavit of Atanu Saha in opposition to Gilbert's supplemental affirmation. Defendants may also submit a brief totaling no more than fifteen (15) pages.
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Motion for Class Certification ¶ 42.

<sup>3</sup> See 3/19/10 Conference Transcript.

<sup>4</sup> See 2/23/10 Oral Argument Hearing Transcript at 44, 57; 3/19/10 Conference Transcript.

August 23, 2010


Plaintiffs may submit a supplemental reply affirmation of Gilbert. Plaintiffs may also submit a reply brief totaling no more than ten (10) pages.

The briefs permitted by the schedule above shall be limited to (1) the experts' opinions as they relate to Rule 23(b)(3) of the Federal Rules of Civil Procedure and (2) a revised class definition, if one is provided by plaintiffs. No other arguments will be considered.

Plaintiffs' request for leave to file a motion for separate trials on liability and damages pursuant to Rule 42(b) of the Federal Rules of Civil Procedure<sup>5</sup> is also denied without prejudice. This issue may be affected by the supplemental briefing described above.

The Clerk of the Court is directed to close this motion (document no. 228).

SO ORDERED:

  
Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
March 23, 2010

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<sup>5</sup> See 2/19/10 Pl. Ltr.

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